

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JAVELLE WALTON,

Petitioner,

v.

BRENDA CASH, WARDEN,

Respondent.

Case No. LA CV 11-07798-VBF-AJW

ORDER

Adopting the Report and Recommendation;
Denying the Habeas Petition for Lack of Merit;
Directing Entry of Final Judgment by Separate
Document

Pursuant to 28 U.S.C. § 636(b)(1) subsection c, the Court has reviewed the entire record in this action, including the 28 U.S.C. § 2254 habeas corpus petition and accompanying memorandum of points and authorities (CM/ECF Document (“Doc”) 1), the respondent’s answer and accompanying memo and lodged documents (Docs 16-17), the January 30, 2015 Report & Recommendation of the U.S. Magistrate Judge (“R&R”) (Doc 27), and the applicable law. Petitioner neither filed objections to the R&R within the time allowed nor sought an extension of time in which to do so.

The R&R [Doc #27] is ADOPTED without objection.

The habeas corpus petition **[Doc #1] is DENIED** for lack of merit.

This action is **DISMISSED with prejudice**.

As required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document. *See*

1 *Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013).¹

2 Said judgment will be final, but it will not be appealable until and unless petitioner obtains a
3 certificate of appealability from the U.S. Court of Appeals for the Ninth Circuit.²

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5 DATED: April 17, 2015



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7 Valerie Baker Fairbank
8 Senior United States District Judge
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23 ““To comply with Rule 58, an order must (1) be self-contained and separate from the opinion;
24 (2) note the relief granted; and (3) omit or substantially omit the district court’s reasons for disposing
25 of the claims.”” *Elkins v. Foulkes*, 2014 WL 2615732, *14 n.4 (C.D. Cal. June 12, 2014) (quoting
Daley v. USAO, 538 F. App’x 142, 143 (3d Cir. 2013) (per curiam) (citation omitted)).

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27 “FED. R. APP. P. 22(b)(1) provides in pertinent part that ‘if the district judge has denied the
28 certificate, the applicant may request a circuit judge to issue the certificate.’” *Elkins*, 2014 WL
2615732, *14 n.5 (quoting Rule and citing *Silva v. Woodford*, 279 F.3d 825, 832 (9th Cir. 2002)
 (“[W]e are empowered to issue a COA pursuant to Fed. R. App. P. 22(b)(1) and [28 U.S.C.] §
 2253(c)(1).”).